Policy 2.3.4   Waiver for Occupancy Standards for Rental Property

POLICY PURPOSE:

This policy is designed to establish a definite process to allow owners to apply for a waiver for their property for the purpose of exempting the property from the occupancy standard of two persons per bedroom, set forth in Chapter 9.72 of the Municipal Code, Discrimination Against Families with Minor Children in Housing.

POLICY STATEMENT:

Property owners will have to demonstrate that the property has a unique configuration which prevents them from adopting the occupancy standard of two persons per bedroom. Applicable criteria:

1.   A bedroom smaller than 90 square feet shall not have to be occupied by two people.

2.   When the total parking on site is less than 1 parking space for the one bedroom units, 1.5 parking spaces for the two bedroom units and 2 parking spaces for the three bedroom units, the occupancy standard of two persons per bedroom may be reduced to one person per bedroom plus one for the unit.

To obtain a waiver, property owners must submit an application plus a $35 processing fee to the Director of Community Development, City of Sunnyvale. The length of time from date of application to decision by the Director of Community Development shall be no longer than 60 days.

The Department of Community Development staff will verify the data submitted by the property owner. If the data cannot be verified either through city files or a site visit, the application will be automatically denied.

There will be no appeal of the decision of the Director of Community Development.

If a waiver is granted to the property owner, the City's fair housing contractor and any other agency which requests notification will be informed of the decision.

NO WAIVER WILL HAVE ASSUMED TO BE GRANTED UNTIL THE DIRECTOR OF COMMUNITY DEVELOPMENT HAS SENT A WRITTEN CONFIRMATION TO THE APPLICANT.

(Adopted: RTC 91-342 (7/30/91); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Community Development